

# IOWA SUPREME COURT REVIEW

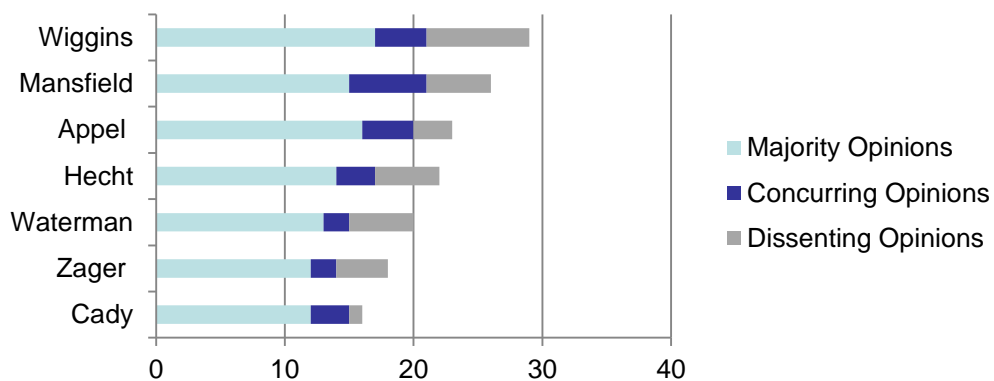
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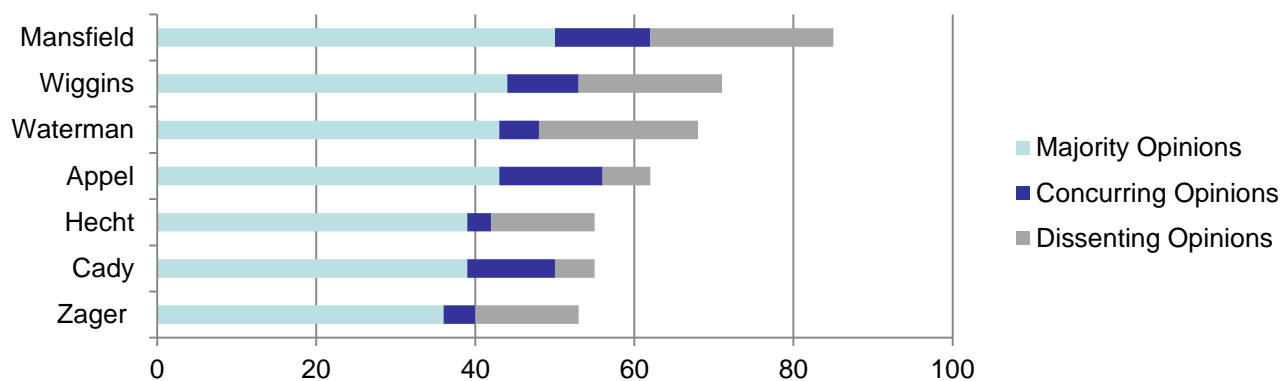
## OVERALL OPINION AUTHORSHIP

	Total Opinions	Majority Opinions	Concurring Opinions	Dissenting Opinions
<b>Cady</b>	16	12	3	1
<b>Wiggins</b>	29	17	4	8
<b>Appel</b>	23	16	4	3
<b>Hecht</b>	22	14	3	5
<b>Waterman</b>	20	13	2	5
<b>Mansfield</b>	26	15	6	5
<b>Zager</b>	18	12	2	4
	154	99	24	31



## OVERALL OPINION AUTHORSHIP 3-YEAR TOTAL

	Total Opinions	Majority Opinions	Concurring Opinions	Dissenting Opinions
<b>Mansfield</b>	84	50	12	23
<b>Wiggins</b>	69	44	9	18
<b>Waterman</b>	66	43	5	20
<b>Appel</b>	60	43	13	6
<b>Cady</b>	54	39	11	5
<b>Hecht</b>	54	39	3	13
<b>Zager</b>	53	36	4	13

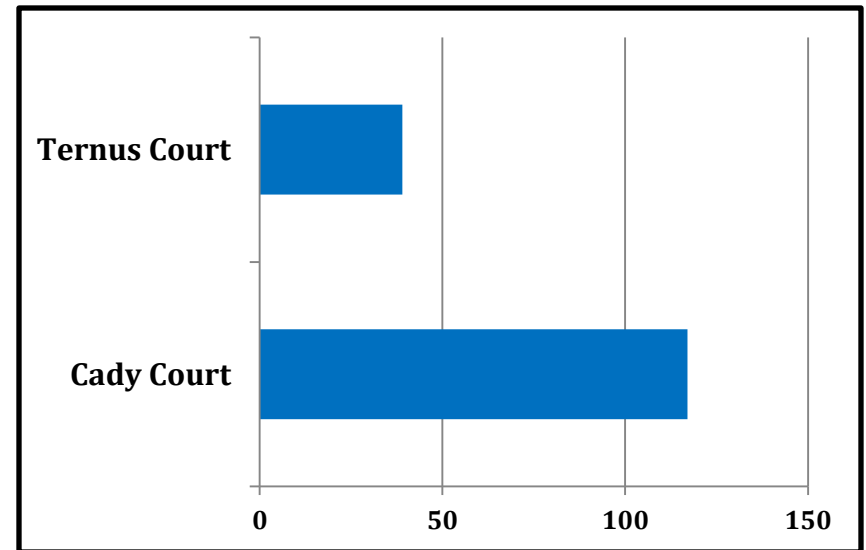


## DISSENTS

Term	Total	Non-unanimous	% of Non-unanimous
2011	121	19	16%
2012	83	30	36%
2013	87	32	37%
2014	86	43	50%

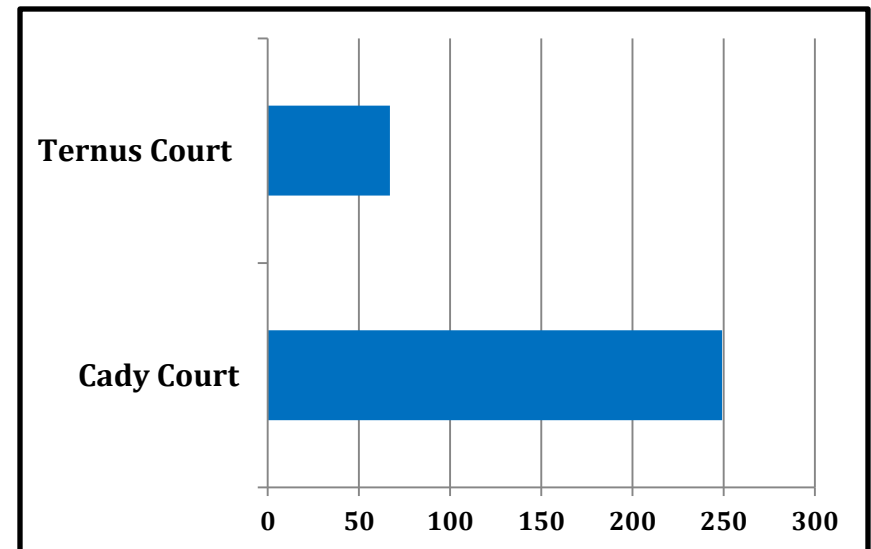
## NUMBER OF CASES WITH DISSENTING OPINIONS: BY COURT

	2007	2008	2009	2010	TOTAL
<b>Ternus Court</b>	8	9	8	14	39
	2011	2012	2013	2014	TOTAL
<b>Cady Court</b>	22	34	32	29	117



## NUMBER OF DISSENTING VOTES: BY COURT

	2007	2008	2009	2010	TOTAL
<b>Ternus Court</b>	13	14	14	26	67
	2011	2012	2013	2014	TOTAL
<b>Cady Court</b>	51	69	65	64	249



## NUMBER OF DISSENTING OPINIONS: BY JUSTICE

	2007	2008	2009	2010	TOTAL
<b>Ternus</b>	1	0	0	2	3
<b>Larson</b>	2	0	-	-	2
<b>Cady</b>	1	0	4	8	13
<b>Streit</b>	0	1	2	0	3
<b>Wiggins</b>	5	6	2	3	16
<b>Hecht</b>	1	1	0	0	2
<b>Appel</b>	1	0	2	2	5
<b>Baker</b>	-	0	0	0	0
<b>TOTAL</b>	10	8	10	13	41

	2011	2012	2013	2014	TOTAL
<b>Cady</b>	3	3	1	1	8
<b>Wiggins</b>	4	6	4	8	22
<b>Appel</b>	5	2	1	3	11
<b>Hecht</b>	3	2	5	5	15
<b>Waterman</b>	2	6	9	5	22
<b>Mansfield</b>	3	11	7	5	26
<b>Zager</b>	0	4	5	4	13
<b>TOTAL</b>	20	34	32	31	117

## NUMBER OF DISSENTING VOTES: BY JUSTICE

	2007	2008	2009	2010	TOTAL
<b>Ternus</b>	1	0	0	2	3
<b>Larson</b>	2	0			2
<b>Cady</b>	1	1	5	8	15
<b>Streit</b>	0	1	2	3	6
<b>Wiggins</b>	5	7	3	5	20
<b>Hecht</b>	2	4	2	5	13
<b>Appel</b>	2	1	2	2	7
<b>Baker</b>		0	0	1	1
<b>TOTAL</b>	12	14	14	24	64

	2011	2012	2013	2014	TOTAL
<b>Cady</b>	7	7	3	6	23
<b>Wiggins</b>	9	7	9	11	36
<b>Appel</b>	8	6	5	5	24
<b>Hecht</b>	12	4	8	9	33
<b>Waterman</b>	9	17	16	13	55
<b>Mansfield</b>	6	18	15	12	51
<b>Zager</b>	0	10	9	8	27
<b>TOTAL</b>	51	69	65	64	249



## WHO DECIDES? (2014)

	% in the majority
<b>Cady</b>	85
<b>Wiggins</b>	74
<b>Appel</b>	88
<b>Hecht</b>	76
<b>Waterman</b>	69
<b>Mansfield</b>	72
<b>Zager</b>	79

## WHO DECIDES? (2013)

	% in the majority
<b>Cady</b>	89
<b>Wiggins</b>	63
<b>Appel</b>	70
<b>Hecht</b>	60
<b>Waterman</b>	39
<b>Mansfield</b>	40
<b>Zager</b>	60

## JUSTICE AGREEMENT NON-UNANIMOUS CASES

	Zager	Mansfield	Waterman	Hecht	Appel	Wiggins	Cady
Cady	48%	72%	69%	48%	62%	41%	
Wiggins	34%	34%	31%	66%	66%		
Appel	59%	41%	38%	86%			
Hecht	56%	28%	24%				
Waterman	59%	97%					
Mansfield	56%						
Zager							

## JUSTICE AGREEMENT NON-UNANIMOUS CASES 2013

	Zager	Mansfield	Waterman	Hecht	Appel	Wiggins	Cady
Cady	60%	40%	39%	60%	70%	63%	
Wiggins	30%	13%	16%	90%	83%		
Appel	40%	23%	19%	90%			
Hecht	33%	17%	19%				
Waterman	68%	90%					
Mansfield	63%						
Zager							

## REVERSAL RATES

### Court of Appeals

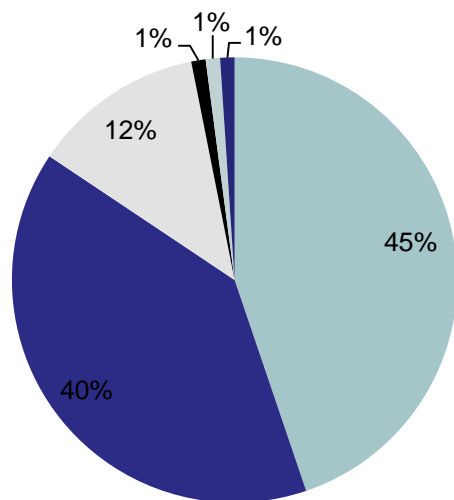
Decided	Affirmed %	Reversed %	Mixed %
37	35%	51%	14%

### District Court

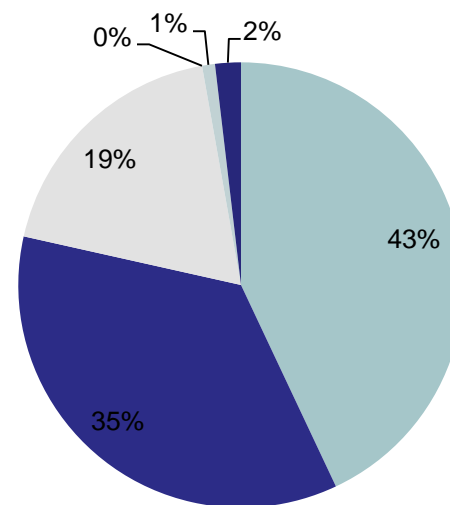
Decided	Affirmed %	Reversed %	Mixed %	Other %
80	35%	51%	11%	19%

# SOURCE OF JURISDICTION

2014 – 2015



2013 – 2014



- Direct
- Further Review
- Attorney Discipline
- Judicial Discipline
- Certiorari
- Certified Question

## Interpreting Criminal Statutes

- *State v. Paye* (public(?) drunkenness)
- *State v. Hoyman* (fraudulent practice)
- *Sanon v. City of Pella* (a criminal appeal without the AG!?)

## *State v. Paye*

“[I]f the front stairs of a single-family residence are always a public place, it would be a crime to sit there calmly on a breezy summer day and sip a mojito, celebrate a professional achievement with a mixed drink of choice, or even baste meat on the grill with a bourbon-infused barbeque sauce—unless one first obtained a liquor license. We do not think the legislature intended Iowa law to be so heavy-handed.”





## *Hoyman:* Does “knowing the same to be false” = intent to deceive?

A person who does any of the following acts is guilty of a fraudulent practice:

. . . .

4. Makes any entry in or alteration of any public records, or any records of any corporation, partnership, or other business enterprise or nonprofit enterprise, knowing the same to be false.

**Court:** If “false” does not include an intent to deceive, the statute would be “breathtakingly broad.” “Therefore, we hold that in a fraudulent practice case arising under Iowa Code section 714.8(4), the jury should be instructed that “false” means the defendant made the entry or alteration with intent to deceive.”

## *Sanon v. City of Pella: A criminal statute in a tort case*

- **Iowa Code 670.2:** “Immunity for a claim relating to a swimming pool or spa as define in section 135I.1 . . . . unless there was an act or omission that constitutes a criminal offense.”
- **Iowa Code 135I.4:** “The department may . . . Adopt rules in accordance with chapter 17A for the implementation and enforcement of this chapter and the establishment of fees.”
- **Iowa code 135I.5:** “A person who violates a provision of this chapter commits a simple misdemeanor.”
- **Iowa Code 135.38:** ““Any person who knowingly violates any provision of this chapter, or of the rules of the department, or any lawful order, written or oral, of the department or of its officers, or authorized agents, shall be guilty of a simple misdemeanor.”
- **Iowa Code 135.11:** Power to “establish [] and enforce rules . . . For provisions of . . . Title IV, subtitle 2,” which includes Chapter 135I.”

## 2013 Term: Criminal law déjà vu: A Court divided on search and seizure and sentencing

- *State v. Short* (searching probationers)
- *State v. Lyle* (juvenile sentencing and mandatory minimums)

2014 Term: Criminal law déjà vu all over again: A Court divided on search and seizure and sentencing

- *State v. King* (search of parolees)
- *State v. Gaskins* (search incident to arrest)
- *State v. Seats* (juvenile sentencing)

## Finding common ground in the Constitution

- *Planned Parenthood v. Iowa Board of Medicine* (abortion)
- *Homan v. Branstad* (impoundment)

## Planned Parenthood v. Iowa Board of Medicine

- **Iowa test?** We must wait for another case.
- **Taking sides:** “Like the Seventh and Ninth Circuits, we believe the ‘unnecessary health regulations’ language used in Casey requires us to weigh the strength of the state's justification for a statute against the burden placed on a woman seeking to terminate her pregnancy when the stated purpose of a statute limiting a woman's right to terminate a pregnancy is to promote the health of the woman.”

## Planned Parenthood v. Iowa Board of Medicine

- **Planned Parenthood:** “The Fifth Circuit’s decision is in direct and acknowledged conflict with decisions of the Seventh and Ninth Circuits and the Iowa Supreme Court.”
- **Texas:** “Petitioners rely primarily on language from the Seventh and Ninth Circuits. Pet. 17-19. But those opinions—both interlocutory—reveal a conflict with their own circuit precedent, not an entrenched split among the circuits. That leaves only language in an outlier Iowa Supreme Court opinion.”



## Family law: It's not just for the Court of Appeals

- *In re the Marriage of Gust* (alimony)
- *In re the Marriage of Hoffman* (child visitation)

## *Fagen v. Grandview: The case of the silent justice*

- Justices Wiggins, Appel, Hecht: “[T]he person requesting the waiver must make a showing that he or she has a reasonable basis to believe the specific records are likely to contain information relevant to an element or factor of the claim or defense of the person or of any party claiming through or under the privilege.”
- Chief Justice Cady and Justices Mansfield and Waterman: We disagree with this new protocol, which puts the burden on the party seeking the records.
- Justice Zager: “Concurs in result only.”

## *McKee v. Isle of Capri Casinos, Inc.: The house always wins*

- As an additional defense, the casino argues that the \$41,797,550.16 bonus was invalid because it was far above the maximum award the IRGC had authorized for the game. In *Blackford*, we stated, “The freedom to contract [for gambling under chapter 99F] is not, however, unlimited. When a contract addresses an area of law regulated by a statute, the statutory provisions and restrictions are a part of the parties' contract.” . . . However, because we uphold the district court's summary judgment based on traditional contract principles, we need not reach the casino's additional argument that a \$41 million bonus would have been illegal under regulatory provisions incorporated into the parties' contract.